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|------------------------------------------|---|---------------------|
| In re Application of: | : | |
| Endo, Tamio, et al. | : | |
| U.S. Application No.: 10/510,244 | : | DECISION ON RENEWED |
| PCT No.: PCT/JP03/04750 | : | PETITION UNDER |
| International Filing Date: 15 April 2003 | : | 37 CFR 1.47(a) |
| Priority Date: 16 April 2002 | : | |
| Attorney's Docket No.: 040473 | : | |
| For: RESIST FILM REMOVING | : | |
| APPARATUS ... AND METHOD OF | : | |
| REMOVING ORGANIC MATTER | : | |

In a decision mailed by this Office on 27 January 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide: (1) an acceptable declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (2) adequate factual proof that the inventor cannot be reached after diligent effort.

On 21 April 2006, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" (with required one-month extension fee). The renewed petition included a revised declaration, in English, executed by six of the seven inventors and containing an unsigned signature block for the non-signing inventor. This revised declaration satisfies the declaration requirement for a grantable petition.

With respect to the remaining element of a grantable petition (factual proof that the non-signing inventor cannot be located after diligent effort), the renewed petition includes a slightly revised "Declaration In Support Of Petition Under 37 CFR 1.47(a)" from Takayoshi KOKUBIN; the only difference between this statement and the statement submitted with the original petition is the addition of the following: "An Internet search was performed in an attempt to find him." The statement is accompanied by supporting documentation, including a copy of an email and mailing which were apparently directed to the non-signing inventor, as well as the results of the Internet search performed to locate the inventor. The reference to an Internet search and the inclusion of supporting documents addresses two of the defects raised in the previous decision; however, applicants have failed to address the issue of whether Takayoshi KOKUBIN has the required firsthand knowledge with respect to the facts set forth in his statement.

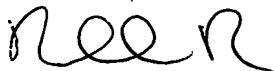
As discussed in the previous decision, the MPEP requires that a person with firsthand knowledge of the efforts made to locate the inventor, that is, the person(s) who undertook such efforts, provide a statement of facts describing these efforts. The revised statement from Takayoshi KOKUBIN does not confirm that he is the person who undertook the actions referred to therein (i.e., attempted to reach the inventor by mail, email, and facsimile, carried out the internet search, contacted the telephone information operator, and made inquiries at the inventor's former place of employ). Applicants must provide a revised statement from Takayoshi KOKUBIN confirming that he is the person who took the described actions or, if such is not the case, applicants must provide a statement of facts from the person(s) who did perform these actions. Until such materials are provided, the final element for a grantable petition remains unsatisfied.

Based on the above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.47(a)" and must include the materials required to satisfy the final element of a grantable petition, as discussed above. No additional petition fee is required.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a)

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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